

ISLAMIC FIQH ACADEMY FATWA ON TAQLID AND ITS DETRACTORS IN THIS AGE

The following is a crucial and highly welcomed Fatwa passed in the Holy city of Makka al-Mukarrama in 1987 on the validity of following (taqlid) one of the Four Sunni Madhhabs (Hanafi, Maliki, Shafi'i and Hanbali) with regards to Islamic rulings, as well as a warning to those who try to detract the common folk from this type of taqlid, and attack it in an odious way. It also warned against those who go to excesses in attempting to fanatically promote an anti-Taqlid stance and presumptuously attempt to re-interpret the Shar'ia especially when they have not reached any level of valid and recognised Ijtihad.

It is an essential Fatwa to show that not only is taqlid allowed and valid, but that also following false beliefs is harmful to Islam. It is also pertinent that the Fatwa mentioned that the main cause of the fitna (mischief) of abandoning the taqlid of the valid Schools of Sunni law has been coming from the hands of young Muslims who lack the tools to really understand in a painstaking way why difference of opinion (ikhtilaf) in jurisprudential rulings (fiqh) occurred, and why they are permitted if the foundational principles (Usul) are valid in the first instance. Valid usul has been noted in the Four Sunni Madhhabs and all of them recognise each other as valid interpretations of Islamic law while the diametric opposite has been witnessed in those who are outside these Four Sunni Madhhabs, especially so if the detractors are not recognised as high ranking jurists (fuqaha) of the genre known as Mujtahids. The Mujtahid being the one who has been recognised by other elite scholars to have the skill sets, high level of intellectual knowledge, proficiency of the sources of Islamic law and taqwa (fear of Allah) to extract independent legal rulings (Ijtihad). The sources of Sunni Islamic law are the Holy Qur'an, Sunna (Prophetic practice), Ijma (agreement of the Sahaba or Mujtahid scholars in a specific age) and Qiyas (analogical reasoning).

What is pertinent and noteworthy is that this Fatwa was endorsed by some of those who are looked upto by various groups of those who are generally anti Sunni Madhhabs. Such names include the late Saudi Grand Mufti, **Abdal Aziz ibn Baz (d. 1999)**, the late **Bakr Abu Zayd** and currently alive **Salih al-Fawzan**. All three named are said to be Hanbali in fiqh though their personal aqida is another matter as they are looked upto as being representatives of the so-called Salafi way of this age by certain strains of Salafism. Some of the other signatories are from other parts of the Muslim world, and a number of them are also well known scholars who have now passed away.

The footnotes have been added by the compiler of these lines, in order to clarify what the veritable scholars of the past have said with regards to the obligation of taqlid for all non-Mujtahids, the Ijma (consensus) recorded on the taqlid of only one of the four Sunni Madhhabs; who are the real followers of the Saved sect known as Ahlus Sunna wal-Jama'ah in this age and the past by means of scholarly quotations from elite authorities.

The following Qur'anic verse is one of the evidences used by the great Scholars of the past to establish Ijma (consensus) as a source of Islamic law.

Allah subhana wa ta'ala said in Sura an-Nisa (4:115):

وَمَنْ يُشَاقِقِ الرَّسُولَ مِنْ بَعْدِ مَا بَيَّنَّ لَهُ الْهُدَىٰ وَيَتَّبِعْ غَيْرَ
سَبِيلِ الْمُؤْمِنِينَ تُوَلِّهِ مَا تَوَلَّىٰ وَنُصْلِهِ جَهَنَّمَ ۖ وَسَاءَتْ
مَصِيرًا ﴿١١٥﴾

Translation:

"And whoever **opposes the Messenger after guidance has become clear to him and follows other than the way of the believers** - We will give him what he has taken and drive him into Hell, and evil it is as a destination."

As for the obligation of taking from the pious and rightly guided scholars of this Umma then the following verse from Sura an-Nisa (4:59) is a witness to this as they are the ones who are recognised as being those in authority (Ulul Amr) amongst the Muslims besides a true Islamic ruler:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِيَ الْأَمْرِ مِنْكُمْ فَإِنْ
نَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ
الْآخِرِ ۚ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا ﴿٥٩﴾

Translation:

"O you who have believed, **obey Allah and obey the Messenger and those in authority among you**. And if you disagree over anything, refer

it to Allah and the Messenger, if you should believe in Allah and the Last Day. That is the best [way] and best in result."

Here follows the Fatwa with the names of the signatories:

RESOLUTION OF THE ASSEMBLY OF THE FIQH ACADEMY IN ITS TENTH SESSION¹

Convened in 1408/1987. Regarding the juristic Differences between the Schools of Law and the [Reprehensible] Fanaticism of some of their Followers

Praise be to Allah alone, and peace and blessings be upon the last of the Prophets, our Master, Sayyiduna Muhammad. May Allah bestow peace and blessings upon him, his family, and his Companions.

The Assembly of the Islamic Fiqh Academy, in its tenth session, convened in Makkah al-Mukarramah, for the period between Saturday 24 Safr 1408/17 October 1987 and Wednesday 28 Safr 1408/21 October 1987, has considered the issue of juristic differences between the schools of law (madhahib), and the contemporary fanaticism of followers for their own schools, which goes beyond time bounds of moderation and reaches the point where the perpetrators attack the other schools and their scholars (ulama).

The Assembly examined the problems which arise in the minds of the youth of this age and their ideas surrounding the differences between the schools of law, of which they do not know the basis or the significance. Those who mislead them give them the idea that so long as Islamic Law is one, and its foundations in the Sublime Qur'an and the Prophetic Sunnah are also united, why then are there differences between the Schools of Law? And why are they not united so that the Muslims have before them only one school of law and one understanding of the Shari'ah?

The Assembly also examined the issue of fanatical adherence to the schools of law and the problems which result from it, especially among some contemporary currents in our time, whose followers call for a new

¹ *RESOLUTION OF THE ASSEMBLY OF THE FIQH ACADEMY IN ITS TENTH SESSION (1987)*. See - Al-Majma al-Fiqhi al-Islami (The Islamic Fiqh Academy), 1(2), pp.233-237. English translation taken from *The Influence of the Noble Hadith upon the Differences of Opinion amongst the Jurist Imams* by Shaykh Muhammad Awwamah, Turath Publishing, London, 1st edn, 2014. Original Arabic fatwa may be downloaded from - [here](#). It has also been appended at the end of this English version.

line of independent legal reasoning (ijtihad). They attack the established schools of law, which have been accepted by the Ummah since the beginning of the Islamic era and [they attack] their Imams—or some of them—wrongly, and sow seeds of discord (fitnah) amongst the people!

After discussing this issue, the events and circumstances surrounding it and the resultant discord and deception, the Fiqh Academy resolved to direct the following statement to both parties, those misleading and the fanatics, in order to remind and inform them as follows:

First:

Regarding the Differences between the Schools of Law (Madhahib)

The differing positions in terms of opinion which exist in Islamic countries are of two kinds:

1. Differing positions in terms of belief
2. Differing positions in terms of fiqh

The first of these, that is, differences of belief (al-Ikhtilaf al-I'tiqadi), is in reality a problem which has caused catastrophes in Islamic countries, splitting the ranks of the Muslims and dividing their position. It is a distressing matter, which should not exist. **The Ummah must unite upon the position of those who follow the Sunnah and the community (Ahl as-Sunnah Wa'l-Jama'ah)²**, who represent the pure

² The true followers of the Saved sect known as Ahlus-Sunna wal-Jama'ah in this age are the adherents of one of the Four Madhhabs in Jurisprudence (Hanafi, Maliki, Shafi'i or Hanbali), and in terms of Aqida (Islamic creed) they accept, respect and adhere to one of the following legitimate schools described below which all recognise each other.

Ahlus Sunna after the Salaf (first three pious generations of Islam) was represented by three valid schools which are not sects but valid explanations of creedal statements:

1) **Ash'ari school** named after **Imam Abul Hasan al-Ash'ari** (b. around 260 AH in Basra and died in 324 AH in Baghdad). He was a Shafi'i but some say he was a Hanafi. He authored al-Ibana an usul al-Diyana, Maqalat al-Islamiyyin, Risala ila Ahl al-Thagr and other works

2) **Maturidi school**— named after **Imam Abu Mansur al-Maturidi** who was born in Samarqand (Uzbekistan). He was a Hanafi and his creed is the same as that of Imam Abu Ja'far al-Tahawi (d. 321 AH) as they are from the same Madhhab. He died in 333 AH and authored Kitab al-Tawhid and a major Tafsir called Ta'wilat Ahlus Sunna (published in 10 volumes). Please see the following link for some works linked to this school of aqida - [80 Books on Sunni Creed according to the Hanafi Madhhab](#)

3) **Athari school** – follow the true teachings of **Imam Ahmed ibn Hanbal** (d. 241 AH). The pseudo Atharis are the false claimants to the Way of the Salaf and they call themselves ‘Salafi’ today. Their hallmark in these times is an open disdain and rejection of the above two named schools of Aqida, and many of them reject following one of the Four Jurisprudential schools of Islamic law. The rejecters of the Ash’ari/Maturidi schools share the commonality of linking themselves to the 7th century controversial Hanbali figure known as Taqiud-Din Ibn Taymiyya (d. 728 AH). See what a number of famous and reputable scholars had to say about him here - <https://taymiyyun.wordpress.com/>

The Hanbali scholar known as Abul Faraj ibn al-Jawzi (d. 597 AH) was one of those who refuted the false claimants to the real Hanbali creed in his Kitab Akhbar al-Sifat and its abridgement known as Daf Shubah al-Tashbih bi-Akaff al-Tanzih. Both of these latter works are also available in English nowadays.

Scholarly quotes on the need to adhere to one of the above recognised Schools of Aqida:

Imam Tajud-Din al-Subki (d. 771 AH) said in his Tabaqat al Shafi’iyya al-Kubra (3/373):

“We have already mentioned what Ibn Abdis Salaam (d. 660 AH) and others before and after him mentioned, which is that the Shafi’is, Malikis, Hanafis and the virtuous (fudala) among the Hanbalis are all Asharis. This is what was stated by Ibn Abdis Salaam, the Shaykh of Shafi’is, and Ibn Al-Hajib, the Shaykh of the Malikis, and Al-Husayri, the Shaykh of the Hanafis. Among what was stated by Ibn Asakir (d. 571 AH), the Hafiz of this Umma, trustworthy (thiqa) and firmly established (thabt): ‘Are there any among the jurists (Fuqaha), among the Hanafis, Malikis and Shafi’is that do not agree with al-Ash’ari and do not relate themselves to him, and pleased with his efforts for the religion of Allah, praising him for great knowledge? That is, except for a tiny group that hides anthropomorphism (Tashbih), and makes an enemy of those who believe in tawhid and clear Allah of likeness to creation (Tanzih).””

Imam ibn Hajar al-Haytami (d. 974 AH) said that the two Imams of Ahlus Sunna are al-Shaykh Abul Hasan al-Ash’ari and al-Shaykh Abu Mansur al-Maturidi (al-Zawajir, p. 82) and in his Fatawa Hadithiyya (Dar Ihya wa'l Turath, p. 370, 1998) while defining what a man of bid’a (an innovator) is he said:

“One who is against what the Ahlus Sunnah wa'l Jama'ah are upon (man kaan ‘ala khilaf maa ‘alayh ahlis sunnah wa'l jama’a), and what is meant by them [the Ahlus Sunnah] are the followers of Imam Abul Hasan Ash’ari and Imam Abu Mansur al-Maturidi, the two Imams of Ahlus Sunnah.”

Imam Ahmad Shihab ad-Din al Qalyubi (d.1069 AH)

and sound Islamic thought of the era of the Messenger of Allah ﷺ and the era of the rightly guided Caliphate, which the Messenger indicated to be an extension of his Sunnah, by saying: *“Follow my Sunnah and the Sunnah of the rightly guided Caliphs after me. Adhere to it and hold onto it firmly with your molar teeth.”*

With regard to the second [kind of difference], that is, differences in terms of fiqh on some issues, there are technical reasons which have necessitated this. Allah, praised be He, has put profound wisdom in this, which includes mercy upon his servants and widening the scope for deriving rulings from the texts. Furthermore, it is a blessing and a juristic and legal treasure, which affords the Muslim Ummah breadth in matters of religion (din) and law (Shari'ah), so that it is not confined to applying a single legal ruling, for which there is no alternative. Rather, if the Ummah finds hardship in the position of one of the jurist Imams at a particular time or regarding a particular matter, they find in the position of one of the other Imams a range, a leniency and an ease, whether in matters of worship, or in dealings with others, family matters, or justice and crime in light of legal evidences.

This second kind of difference of schools, that is, differences in terms of fiqh, is not a deficiency or a matter of contradiction in our religion, and it is impossible for it not to exist. There can be no community (ummah) whose legal system is perfect, including its jurisprudence (fiqh) and

Imam al-Qalyubi wrote on the fourth volume of his marginalia to the book *Kanz ar-Raghibin*:

“One who departs from what Abul Hasan al-Ash'ari (d. 324 AH) and Abu Mansur al-Maturidi (d. 333 AH) reported is not a Sunni. These two Imams followed the footprints of Rasulullah (peace and blessings be upon him) and his Sahaba (may Allah be pleased with them all).”

Allama Abdal Baqi al-Mawahibi al-Hanbali (d. 1071 AH) in his al-Ayn wal Athar (p. 53) has said that : “The groups of Ahlus Sunna are three: Asha'ira, Hanabila and Maturidiyya with the evidence inclined by the Hanbali Ulama upon the Asha'ira as in many books on Kalam and the totality of the Hanbali books.”

Shaykh Muhammad Al-Saffarini al-Hanbali (d. 1188 AH) said in his Lawami al-Anwar (p. 73):

“Ahl al-Sunna consist of three groups: the textualists (al-Athariyya), whose Imam is Ahmad ibn Hanbal, the Ash'aris, whose Imam is Abu al-Hasan al-Ash'ari, and the Maturidis, whose Imam is Abu Mansur al-Maturidi.... and they are all one sect, the saved sect, and they are Ahl al-Hadith.”

independent legal reasoning (ijtihad), in which such differences of opinion do not exist regarding jurisprudence and independent legal opinions.

The reality is that these differences are inevitable, because the source texts often hold more than one meaning. In addition, the text cannot contain every eventuality, since the texts are limited, whereas the eventualities are unlimited, as expressed by a group of scholars. Consequently, it is necessary to resort to analogy and to examine the pretexts for rulings; the objective of the Legislator: the general aims of the Law; and the application of these in actual and new circumstances.

In this the understanding of the scholars differs, as does their allocation of preference between the various possibilities. Their rulings on the same issue therefore differ, although each of them is aiming and searching for the truth. Whoever finds it has two rewards; whereas whoever is mistaken has one reward. As a result the [juristic] scope widens and the narrowness disappears.

Where then is the deficiency in the existence of these differences of position? We have shown the benefit and the mercy that is in them, and that they are in fact a blessing and a mercy from Allah to his believing servants, and at the same time a great source of legislative wealth, a feature worthy of the pride of the Muslim Ummah. However, [there are those] misleading foreigners who seek to exploit the weakness of the Islamic culture of some Muslim youth, especially those who study with them abroad. Therefore, they depict these differences of position in terms of fiqh as if they were differences of belief, in order to give them the impression — wrongly and falsely - that it indicates a contradiction within the Shari'ah, rather than apprehending the distinction between the two types [of difference] ... and how different they are!

Second:

Regarding the group who call for **discarding the schools of law and want to induce the people into a new line of independent legal reasoning, attacking the existing schools of law and their Imams, or some of them**; in our above statement on the schools of jurisprudence, and the advantages of their existence and of their Imams, [we state that] **it is necessary for them to desist from this odious way which they pursue and with which they mislead the people, split their ranks and divide their unity.** [They do so] at a time when we are in urgent need of unity in order to confront the grave challenges posed by the enemies of Islam, rather than this call to division, of which we have no need.³

³ Here follows some quotes from classical scholars on the need to adhere (taqlid) to one of the Four Sunni Schools of law (Hanafi, Maliki, Shafi'i or Hanbali) for all those who

have not reached the level of valid Ijtihad which is of the highest rank of true Islamic scholarship:

[1] **Imam Jalal al-Din al-Suyuti** (d. 911 AH) said: “The difference found in the four Schools of Islamic law (Hanafi, Shafi’i, Maliki and Hanbali) in this nation is a huge blessing and an enormous virtue. It has a subtle hidden wisdom the intelligent are able to grasp, but the ignorant are blind of. I have even heard some of them say: ‘The Prophet (pbuh) came with one law, so where did the four Madhabs come from?’” (Jazeel al-Mawahib, p.4)

The famous **Imam al-Haramayn Abu al-Ma‘ali Abd al-Malik bin Yusuf al-Juwayni** (419-478 AH) writes in his book Al-Burhan:

[2] “The expert scholars have agreed that the masses are obligated (‘alayhim) with following the schools of the (four) Imams who thoroughly investigated and researched, who compiled the chapters (of Fiqh) and mentioned the circumstances of the rulings.” (vol. 2, P. 1146)

[3] **Shaikh al-Islam Ahmed Ibn Hajr al-Haytami** writes in Tuhfa al-Muhtaj fi Sharh al- Minhaj:

“The claim the layman has no madh-hab is rejected, rather it is necessary (yalzamuhu) for him to do taqlīd of a recognised school. (As for the claim: scholars did not obligate following one school), that was before the codification of the schools and their establishment.” (Vol.12 p.491-Kitab al-Zakah)

[4] **Imam al-Nawawi** writes in Al-Majmu‘ Sharh Al-Muhadhdhab:

“The second view is it is obligatory (yalzamuhu) for him to follow one particular school, and that was the definitive position according to Imam Abul-Hassan (the father of Imam al-Haramayn Al-Juwayni). And this applies to everyone who has not reached the rank of ijtihād of the jurists and scholars of other disciplines. The reasoning for this ruling is that if it was permitted to follow any school one wished it would lead to hand-picking the dispensations of the schools, following one’s desires. He would be choosing between Halal and Haram, and obligatory and permissible. Ultimately that would lead to relinquishing oneself from the burden of responsibility. This is not the same as during the first generations, for the schools that were sufficient in terms of their rulings for newer issues, were neither codified nor widespread. Thus on this basis it is obligatory for a person to strive in choosing a madh-hab which alone he follows.” (vol.1 p. 93)

[5] **Shaikh Salih al-Sunusi** writes in Fath al-‘Alee al-Malik fil-Fatwa ‘ala madh-hab al-Imam Malik:

“As for the scholar who has not reached the level of ijtihād and the non-scholar, they must do taqlīd of the Mujtahid... And the most correct view is that it is obligatory (wajib) to adhere to a particular school from the four schools...” (p.40-41, in Usul al-Fiqh)

[6] **Imam Sharani**, an undisputed authority in the Shafi school writes in Al-Mizan al-Kubra:

“...You (O student) have no excuse left for not doing taqlīd of any madh-hab you wish from the schools of the four Imams, for they are all paths to Heaven...” (p.55 vol.1)

[7] **Imām Shams al-Din Dhahabī** (673-748 AH) writes in Siyar A‘lam al-Nubalā under Ibn Hazm Zāhirī’s comment:

“I follow the truth and perform ijtihād, and I do not adhere to any madh-hab”, “I say: yes. Whoever has reached the level of ijtihād and a number of imāms have attested to this regarding him, it is not allowed for him to do taqlīd, just as it is not seeming at all for the beginner layman jurist who has committed the Qur’ān to memory or a great deal of it to perform ijtihād. How is he going to perform ijtihād? What will he say? On what will he base his opinions? How can he fly when his wings have not yet grown?” (Vol.18, Pg.191)

[8] In the famous twelve volume Maliki compendium of fatāwā, Al-Mi‘yar al-Mu‘rib an fatāwā ahl al-Ifriqiyya wa al-Andalus wa al-Maghrib, **Imam Ahmad al-Wanshirisi** records the Fatwa on taqlīd:

“It is not permitted (lā yajoozu) for the follower of a scholar to choose the most pleasing to him of the schools and one that agrees the most with him. It is his duty to do taqlīd of the Imam whose school he believes to be right in comparison to the other schools.” (vol.11 p.163-164)

[9] The Hanbali scholar **Imam ‘Ala al-Din al-Mardawi** in his major Juristic compendium Al-Insaf, cites the statement of the famous scholar **Imam Al-Wazir ibn Hubaira** (died 560 ah):

“Consensus has been established upon taqlīd of every one of the Four Schools and that the truth does not lie outside of them.” (Vol.11 p.169, Dar al-Kutub al-‘Ilmiyyah).

[10] **Imam Badr al-Din al-Zarkashi** states in Al-Bahr al-Muhit:

“There has been established a **consensus** amongst the Muslims that the truth is restricted to these (four) schools. This being the case it is not permitted to act upon an opinion from other than them. Nor is it permitted for ijtihād to occur except within them (i.e. employing their principles that is the tools of interpretation).” (vol.6 p.209)

[11] In the commentary of the Shafi text Jam‘ al-Jawami‘, **Imam Al-Jalāl Shams al-Din al-Mahalli** writes:

“And the soundest position (wal-Asahh) is that it is obligatory (yajibu) for the non-scholar/layman and other than him of those (scholars) who have not reached the rank of ijtihād, adherence of one particular school from the madh-habs of the Mujtahid Imams (iltizam madh-hab Muayyan min madāhib al-Mujtahideen) that he believes to be preferable to another school or equal to it.” (Kitab al-ijtihād, p.93)

May Allah bestow peace and blessings in abundance on Sayyiduna Muhammad, his family and Companions. Praise be to Allah, Lord of the Worlds.

Signed by:

President of the Assembly of the Academy:

'ABD AL-'AZIZ IBN ABD ALLAH IBN BAZ

[12] **Imam ibn Rajab al-Hanbali** writes in his book: “Refutation of anyone who follows other than the four schools” [A title that emphatically exposes the deception of the Salafi claim that it is they who represent true Islam]: “...that is the Mujtahid, assuming his existence, his duty (Farduhu) is to follow what becomes apparent to him of the Truth. As for the non-Mujtahid his duty is taqlīd.” Elsewhere having indicated in the latter the rarity of the lofty status of ijtihād, he states: “As for all other people who have not reached this level (of ijtihād), it is not allowed (lā yasau‘hu) for them but to do taqlīd of these Four Imams and to submit to that which the rest of the Ummah submitted to.” (Majmoo‘ al-Rasail Ibn Rajab, vol.2 p. 626 and p.624 respectively).

[13] In the famous commentary of the treatise of Imam Ibn Abi Zayd al-Qayrawani Al-Risalah, entitled “Al-Fawākih al-Dawāni,” **Imam Ahmad al-Nafrawi** (died 1126 ah) also confirms the **Ijma** of all the scholars that following one Imam is obligatory:

“The consensus of the Muslims has been established upon the obligation (Wujub) of following one of the four Imams today; Abu Hanīfa, Malik, Shafi and Ahmad- May Allah be pleased with them... What we explained before, in terms of the obligation of following one of the four Imams, is in relation to those who do not possess the capability of performing ijtihād.” (vol.2 p.574, Bab Fi al-Ruyah wa al-Tathāub, 1997).

The above sources were quoted from - [Here](#)

Thanks and appreciation to the original translators of many of the above quotes.

Peace and blessings be upon Muhammad

Wassalam

Abul Hasan Hussain Ahmed

1st April 2015/12th Jumada al-Akhir 1436 AH

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House of Verification

القرار التاسع

بشأن موضوع الخلاف الفقهي بين المذاهب

والتعصب المذهبي من بعض أتباعها :

الحمد لله وحده، والصلاة والسلام على من لا نبي بعده، سيدنا ونبينا محمد وعلى آله وصحبه وسلم.

أما بعد :

فإن مجلس المجمع الفقهي الإسلامي برابطة العالم الإسلامي في دورته العاشرة المنعقدة بمكة المكرمة، في الفترة من يوم السبت ٢٤ صفر ١٤٠٨ هـ الموافق ١٧ أكتوبر ١٩٨٧م إلى يوم الأربعاء ٢٨ صفر ١٤٠٨ هـ الموافق ٢١ أكتوبر ١٩٨٧م قد نظر في موضوع الخلاف الفقهي بين المذاهب المتبعة، وفي التعصب المقوت من بعض أتباع المذاهب لمذهبهم، تعصبا يخرج عن حدود الاعتدال، ويصل بأصحابه إلى الطعن في المذاهب الأخرى وعلمائها، استعرض المجلس المشكلات التي تقع في عقول الناشئة العصرية، وتصوراتهم، حول اختلاف المذاهب، الذي لا يعرفون مبناه ومعناه، فيوحي إليهم المضللون، بأنه مادام الشرع الإسلامي واحداً، وأصوله من القرآن العظيم، والسنة النبوية الثابتة، متحدة أيضاً: فلماذا اختلاف المذاهب؟ ولم لا توحد؟ حتى يصبح المسلمون أمام مذهب واحد؟ وفهم واحد لأحكام الشريعة؟، كما استعرض المجلس أيضاً أمر العصبية المذهبية، والمشكلات التي تنشأ عنها، ولا سيما بين أتباع بعض الاتجاهات الحديثة اليوم، في عصرنا هذا، حيث يدعو أصحابها إلى خط اجتهادي جديد، ويطعنون في المذاهب القائمة التي تلقتها الأمة بالقبول من أقدم العصور الإسلامية، ويطعنون في أئمتها، أو بعضهم ضلالاً، ويوقعون الفتنة بين الناس.

وبعد المداولة في هذا الموضوع، ووقوفه، وملابساته، ونتائجه في التضييل والفتنة، قرر المجمع الفقهي: توجيه البيان التالي، إلى كلا الفريقين المضللين، والمتعصبين، تنبيهاً وتبصيراً:

أولاً: اختلاف المذاهب:

إن اختلاف المذاهب الفكرية، القائم في البلاد الإسلامية نوعان:

(أ) اختلاف في المذاهب الاعتقادية.

(ب) واختلاف في المذاهب الفقهية.

فأما الأول، وهو الاختلاف الاعتقادي، فهو في الواقع مصيبة، جرت إلى كوارث في البلاد الإسلامية، وشقت صفوف المسلمين، وفرقت كلمتهم، وهي مما يؤسف له، ويجب أن لا يكون، وأن تجتمع الأمة على مذهب أهل السنة والجماعة، الذي يمثل الفكر الإسلامي، النقي السليم في عهد الرسول ﷺ وعلى آله وسلم وعهد الخلافة الراشدة التي أعلن الرسول أنها امتداد لسنته بقوله: «عليكم بسنتي، وسنة الخلفاء الراشدين من بعدي، تمسكوا بها، وعضوا عليها بالنواجذ».

وأما الثاني، وهو اختلاف المذاهب الفقهية، في بعض المسائل، فله أسباب علمية، اقتضته، ولله - سبحانه - في ذلك حكمة بالغة: ومنها الرحمة بعباده، وتوسيع مجال استنباط الأحكام من النصوص، ثم هي بعد ذلك نعمة، وثروة فقهية تشريعية، تجعل الأمة الإسلامية في سعة من أمر دينها وشريعتها، فلا تنحصر في تطبيق شرعي واحد حصراً لا مناص لها منه إلى غيره، بل إذا ضاق بالأمة مذهب أحد الأئمة الفقهاء في وقت ما، أو في أمر ما، وجدت في المذهب الآخر سعة ورفقا ويسرا، سواء أكان ذلك في شئون العبادة، أم في المعاملات، وشئون الأسرة، والقضاء والجنايات، على ضوء الأدلة الشرعية.

فهذا النوع الثاني من اختلاف المذاهب، وهو الاختلاف الفقهي، ليس نقيصة، ولا تناقضاً في ديننا، ولا يمكن أن لا يكون، فلا يوجد أمة فيها نظام تشريعي كامل بفقعه واجتهاده ليس فيها هذا الاختلاف الفقهي الاجتهادي. فالواقع أن هذا الاختلاف، لا يمكن أن لا يكون، لأن النصوص الأصلية، كثيراً ما تحمل أكثر من معنى واحد، كما أن النص لا يمكن أن يستوعب جميع الوقائع المحتملة، لأن النصوص محدودة، والوقائع غير محدودة، كما قال جماعة من العلماء -رحمهم الله تعالى- فلا بد من اللجوء إلى القياس، والنظر إلى علل الأحكام، وغرض الشارع، والمقاصد العامة للشريعة، وتحكيمها في الوقائع، والنوازل المستجدة. وفي هذا تختلف فهم العلماء، وترجيحاتهم بين الاحتمالات، فتختلف أحكامهم في الموضوع الواحد، وكل منهم يقصد الحق، ويبحث عنه، فمن أصاب فله أجران، ومن أخطأ فله أجر واحد، ومن هنا تنشأ السعة ويزول الحرج.

فأين النقيصة في وجود هذا الاختلاف المذهبي، الذي أوضحنا مافيه من الخير والرحمة، وأنه في الواقع نعمة، ورحمة من الله بعباده المؤمنين، وهو في الوقت ذاته، ثروة تشريعية عظيمة، ومزية جديرة بأن تتباهى بها الأمة الإسلامية. ولكن المضللين من الأجانب، الذين يستغلون ضعف الثقافة الإسلامية لدى بعض الشباب المسلم، ولا سيما الذين يدرسون لديهم في الخارج، فيصورون لهم اختلاف المذاهب الفقهية هذا كما لو كان اختلافاً اعتقادياً، ليوحوا إليهم ظلماً وزوراً بأنه يدل على تناقض الشريعة، دون أن ينتبهوا إلى الفرق بين النوعين وشتان مابينهما.

ثانياً: وأما تلك الفئة الأخرى، التي تدعو إلى نبذ المذاهب، وتريد أن تحمل الناس على خط اجتهادي جديد لها، وتطعن في المذاهب الفقهية القائمة، وفي

أثمتها أو بعضهم، ففي بياننا الآنف عن المذاهب الفقهية، ومزايا وجودها وأثمتها ما يوجب عليهم أن يكفوا عن هذا الأسلوب البغيض الذي ينتهجونه، ويضللون به الناس، ويشقون صفوفهم، ويفرقون كلمتهم في وقت نحن أحوج مانكون إلى جمع الكلمة في مواجهة التحديات الخطيرة من أعداء الإسلام، بدلا من هذه الدعوة المفرقة التي لا حاجة إليها.

وصلى الله على سيدنا محمد، وعلى آله وصحبه وسلم تسليما كثيرا،
والحمد لله رب العالمين.

رئيس مجلس المجمع الفقهي



عبد العزيز بن عبد الله بن باز

نائب الرئيس

د. عبد الله عمر نصيف

عبد الله العبد الرحمن البسام

عبد الله العبد الرحمن البسام

د. بكر عبد الله أبو زيد

بكر عبد الله أبو زيد

محمد بن جبير

محمد بن جبير

مصطفى أحمد الزرقاء


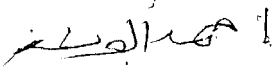
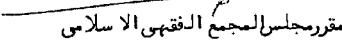
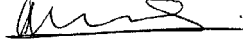

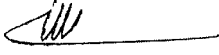
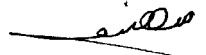
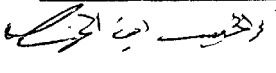
مصطفى أحمد الزرقاء

محمد بن عبد الله بن سبيل

محمد بن عبد الله بن سبيل

صالح بن فوزان بن عبد الله الفوزان

صالح بن فوزان بن عبد الله الفوزان

<u>محمد رشيد راغب قباقي</u>  <u>د. احمد فهيم أبو سنينة</u>  <u>د. طلال عمر با فقيه</u>  مقرر مجلس المجمع الفقهي الاسلامي	<u>أبو الحسن علي الحسن الندوي</u>  <u>محمد سالم بن عبد الوود</u> 	<u>محمد محمود الصواف</u>  <u>محمد الشاذلي النيفر</u>  <u>محمد الحبيب بن الخوجبة</u> 
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وقد تخلف عن الحضور في هذه الدورة كل من: فضيلة الدكتور يوسف القرضاوي، وفضيلة الشيخ محمد صالح بن عثيمين، وفضيلة الشيخ عبدالقدوس الهاشمي، ومعالي اللواء الركن محمود شيت خطاب، وفضيلة الشيخ حسين محمد مخلوف، وفضيلة الشيخ مبروك مسعود العوادي.